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April 22, 2009

VIA E-FILING

The Honorable Anne K. Quinlan
Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001

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Re: Docket No. 42113, Arizona Electric Power Cooperative, Inc. v.
BNSF Railway Company and Union Pacific Railroad Company

Dear Secretary Quinlan:

Complainant Arizona Electric Power Cooperative, Inc. ("AEPCO") requests that the Board proceed with the staff-supervised discovery conference scheduled for April 24, 2009. The parties have served discovery requests on each other, and have also served their initial responses and objections to the discovery requests. Although document production is in its early stages, the parties have been negotiating with respect to objections raised to certain requests and AEPCO believes Board staff's assistance at a discovery conference would be helpful in attempting to resolve these objections and avoid the need for any additional motions to compel.

Counsel for the Defendants have authorized AEPCO to advise the Board that they concur that a staff-supervised discovery conference would be appropriate at this time.

Sincerely,



Robert D. Rosenberg
An Attorney for Arizona Electric Power
Cooperative, Inc.

Hon. Anne K. Quinlan
April 22, 2009
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cc: Anthony J. LaRocca, Esq. (counsel for BNSF Railway Company)
Michael L. Rosenthal, Esq. (counsel for Union Pacific Railroad Company)
Timothy J. Stratford, Esq. (Office of Proceedings)